LXXI
93

Mr. CHUTES Petition

Of Appeal conſiſts of theſe Nine Points.

The 1*ſt.* point to be reheard (in Caſe the Lady *Dacres* is reheard) to a point decreed in Chancery againſt his late Father, *viz.*

1*ſt.* The 5000 *l.* and Intereſt which ought not to have been; there being no breach of Covenant.

The 2*d.* 3*d.* and 4*th.* points to complain that the *Chancery* has aparently diſobey'd the *Lords* Order, *viz.*

2*d.* In allowing Mr. *Chute* but 380 *l.* for the value of the Legacy, which as well by the Decree in 66, as by the Lords Order, upon his Appeal in 1680. was ſettled at 900 *l.* and the particulars of the Legacy are ſo undervalued, that for one of thoſe particulars, making up the 380 *l.* (valued by the Chancery but at 40 *l.*) he has offered the whole 380 *l.* *It appears as to part of the Goods, that the Perſons procured to make this new Valuation; only made it by what they gueſſed the Goods, &c. might be worth 20 Years ago, (having never ſeen them before) as to the reſt of them (not in being) they are valued by what the Lady* Dacres *her ſelf told the Witneſſes of them.*

3*d.* In not charging the Lady with the Summ of 1232 *l.* that ſhe receiv'd out of his Eſtate under her ſequeſtration, till the end of the Account, in which the Chancery ought to have charged her with it at the times ſhe received it (the Decree for the maintenance being reverſed, which before had juſtified her keeping it) and the rather for that Mr. *Chute* pays her Intereſt all the time, *and Intereſt upon Intereſt for a great part of her demand.*

4*th.* In not allowing any more then 2500 *l.* for the value of the Timber, tho proved worth 7. or 8000 *l.*

The 5*th.* and 6*th.* points to have relief againſt the late order in Chancery concerning.

5*th.* The Goods that the Lady poſſeſt her ſelf of at the Vine, and in *Newport-Street*, by virtue of her ſequeſtration, for which it is apparent, ſhe doth not charge her ſelf; nor the Chancery would not charge her with a quarter of the value; *Mr.* Chute *having offered* 200 l. *for one parcel for which he is not allowed any more than five pound, and the ſame in ſeveral other particulars.*

6*th.* The 244 *l.* coſts of the former Suit with Intereſt (with which the Chancery has charged Mr. *Chute*) for 18 years, tho they were not taxed till Mr. *Chute* (the Father's) Death, and therefore ought not to have been taxed at all, it being a Perſonal wrong if any, and dying with him; there is not one Preſident in Chancery, where it was ever given thus, but very many to the contrary, and it comes to 500 *l.*

The 7*th.* 8*th.* and 9*th.* points to have relief againſt the ſame Order charging the Lady *Dacres* but with.

7*th.* 20 *l. per Annum*, for the Rent of the Vine-Houſe, proved worth (with other things that ſhe enjoyed) 50 *l. per Annum.*

8*th.* 20 *l. per Annum.* for Fire-Wood, proved worth 70 *l. per Annum.*

9*th.* And nothing for willfully under-litting ſome part of the Eſtate.

After all to put an end to this unnatural diſpute between Mr. *Chute* and his Grand-mother the Lady *Dacres*, and to avoid troubling the Lords in Parliament further therein, Mr. *Chute* is ready to ſubmit the whole matter in diſpute, from the Death of his Grand-father to this preſent time, to the judgment of two Lords to be indifferently choſen between the Lady *Dacres* and him, and will give 5000 *l.* ſecurity to ſtand to their Award.